REMARKS

The Office action mailed June 4, 2007 has been received and reviewed. All claims currently under consideration stand objected to or rejected. The application is to be amended as previously set forth. All amendments and cancellations are made without prejudice or disclaimer. Basis for the amendments to the claims is found, *inter alia*, in (to be canceled) claims 2 and 3 and paragraphs **[0031]**, **[0040]**, **[0041]**, **[0043]-[0045]**, **[0060]**, and **[0081]** of the application as filed. No new matter has been added. Reconsideration is respectfully requested.

A. EP 01203748.7:

The Office action noted that a copy of EP 01203748.7 had not yet been provided. Applicants' representative has requested a certified copy of the document, and will promptly provide it to the Office upon receipt.

B. Specification:

The usage of trademarked names was acknowledged in the Office action, and correction to Office practice was requested. Applicants have amended the specification as requested herein.

C. Claim Objections:

Claims 3, 4, and 10 were objected to for various informalities. Claims 3 and 10 have been canceled, thus mooting the objections. Claim 4 has been amended to address the objection.

D. 35 U.S.C. § 112:

Claims 1-5, 9, and 10 were rejected under the second paragraph of 35 U.S.C. § 112. Claims 2, 3, 5, 9, and 10 have been canceled, thus mooting the rejection. Applicants have amended the claims, and request that the remaining rejections be withdrawn.

Claim 1 was thought vague and indefinite since while the preamble recited "a method for obtaining information about the capacity or tendency of an oligopeptide of at most 9 amino acids long to regulate expression of a gene", it was not thought certain that determining the presence of NF-kappaB/Rel protein in or derived from a cell contacted with the oligopeptide will necessarily result in determining the ability of the oligopeptide to regulate the expression of a gene or a NF-

kappaB/Rel gene. Specifically, "detecting the presence of a protein does not require one to determine the quantity of protein present, and the claims do not require a comparison of the quantity of protein present in the presence and absence of the oligopeptide."

Applicants have amended claim 1 to recite that the activity of a member of an NFkappaB/Rel protein family is determined. Furthermore, claim 1 has been amended to recite that a comparison is made between the oligopeptide-treated cell and a control cell (one that has not been contacted with the oligopeptide), which should clarify the claims.

Furthermore, new claims 25-28 define specific embodiments of how to determine the activity of a member of an NFkappaB/Rel protein family.

Claims 1-5 were rejected under 35 U.S.C. 112, first paragraph, as assertedly lacking enablement. According to the Office action, "the specification, while being enabling for a method for identifying an oligopeptide that is capable of regulating the expression of a gene, comprising (a) contacting a cell with said oligopeptide, (b) determining the amount of NF-kappaB/Rel protein in said cell, (c) determining the amount of NF-kappaB/Rel protein in a cell that has not been contacted with said oligopeptide, and (d) determining the ratio of said amount of NF-kappaB/Rel protein found in step (b) to the amount of NF-kappaB/Rel protein found in step (c), does not reasonably provide enablement for methods of determining the ability of an oligopeptide to regulate gene expression where only the presence of NF-kappaB is determined and where the level of NF-kappaB is not compared to a control."

Applicants have added new claim 29 directed to the admittedly enabled subject matter.

Furthermore, as previously identified, claim 1 has been clarified which should obviate the rejection (*e.g.*, claim 1 has been amended to recite that a comparison is made between the oligopeptide-treated cell and a control cell that has not been contacted with the oligopeptide).

Accordingly, applicants request that the rejections be withdrawn.

E. 35 U.S.C. § 102:

Claims 1, 2, 4, and 5 were rejected under 35 U.S.C. § 102 in view of Ichiyama *et al.* Claims 2 and 5 have been canceled, thus mooting the rejection as to those claims. Claim 1 has been amended to address the remaining rejections.

Specifically, claim 1 has been amended to include the elements of claims 2 and 3. Claim

3 was not rejected in the same manner in view of Ichiyama *et al.*, which makes sense since Ichiyama *et al.* teach the testing of tripeptide α-MSH_{11-13}, the sequence being KPV, which would not be included in amended claim 1. Accordingly, this rejection should be overcome.

Claims 1 through 5 stand newly rejected under 35 U.S.C. § 102 in view of Han *et al.* in view of two other references Claims 2 and 5 have been canceled, thus mooting the rejection as to those claims. Claim 1 has been amended to address the remaining rejections.

Specifically, Han *et al.* relates to the octapeptide CCK-8 consisting of DYMGMDF. Like Ichiyama *et al.*, Han *et al.*'s amino acid sequences do not correspond to a fragment of hCG. Nothing in the art suggests the testing of hCG-fragments of up to 9 amino acids in length for their capacity to modulate NFkappaB/Rel protein activity.

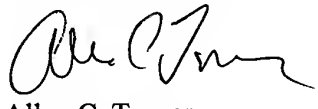
Accordingly, applicants request that these rejections be withdrawn.

F. 35 U.S.C. § 103:

Claims 9 and 10 were rejected under 35 U.S.C. § 103. These claims have been canceled, thus mooting the rejection

The application should be in condition for allowance. If, however, questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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